

REMARKS

This Response is submitted in reply to the Office Action dated August 3, 2005. Claims 1 to 33 were 38 to 40 are pending in the application. Claims 1 to 33 and 38 to 40 have been rejected. Claims 1, 4, 7, 12, 19, 21, 27, 31, and 40 have been amended. Claims 34 to 37 have been added. No new matter has been added by the new claims and the amendments.

A Supplemental Information Disclosure Statement is submitted herewith. A check in the amount of \$180 is submitted herewith to cover the cost of the Supplemental Information Disclosure Statement. No fee is due in connection with this Response; however, please charge Deposit Account No. 02-1818 for any insufficiency of payment or credit the account for any overpayment.

In the Office Action, Claims 19 and 31 are objected to because of informalities. Accordingly, Applicant has amended Claim 19 to clarify the claimed invention. Specifically, Claim 19 has been amended to recite at least one advancement associated with at least one of the non-eliminator selections, wherein the advancement is accumulated if the advancement is associated with a picked non-eliminator selection. In addition, Claim 31 has been amended to correct the informality noted in the Office Action. Therefore, Applicant respectfully submits that the objections to Claims 19 and 31 have been overcome.

In the Office Action, the Examiner correctly noted that Claims 34 to 37 had been inadvertently deleted from the Preliminary Amendment. Accordingly, Applicant has added new Claims 34 to 37 in their intended sequence in the listing of claims.

The Office Action rejected Claim 7 under 35 U.S.C. §112, second paragraph, for being indefinite. More specifically, the term, "outcomes" is allegedly rendered indefinite by the term, "least desirable." In response, Applicant has amended Claim 7 to recite "lowest value outcomes." Support for this amendment can be found in the Specification at, for example, page 8, lines 13-16. Therefore, no new matter is added by this amendment, and Applicant respectfully submits Claim 7 is in condition for allowance.

The Office Action rejected Claims 21 to 33 and 39 to 40 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,996,997 to Kamille ("*Kamille*"). In addition, Claims 1 to 20 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kamille* in view of European Patent No. 0945837 A2 to Thomas et al. ("*Thomas*"). Applicants respectfully submit that the rejections have been overcome, and the claims are in condition for allowance for at least the reasons set forth below.

Claim 1 has been amended to clarify that when the eliminator selection is picked in a play of the bonus game, at least one of the other selections is picked to be eliminated in the play of the bonus game, and the remaining selections are available to be picked in the play of the bonus game. Claim 1 has been further amended to clarify that, when one of the selections is picked to be eliminated in the play of the bonus game, the display device is adapted to display an indication of the eliminated selection.

Claim 12 has been amended to clarify that when a player picks the eliminator selection, at least one of the other selections is picked to be eliminated in a play of the game, and the remaining selections are available to be picked in the play of the game. Claim 12 has been further amended to clarify that, when one of the selections is picked to be eliminated in the play of the game, the display device is adapted to display an indication of the eliminated selection.

Claim 19 has been amended to clarify that when the eliminator selection is picked, at least one of the other selections is picked to be eliminated in a play of the game, and the remaining selections are available to be picked in the play of the game. Claim 19 has been further amended to clarify that, when one of the selections is picked to be eliminated in the play of the game, the display device is adapted to display an indication of the eliminated selection.

Claims 21 and 27 have been amended to clarify that if the player picks an eliminator selection in a play of the game, each of the methods include picking at least one of the other selections to be eliminated from being picked in the play of the game, indicating the selection picked to be eliminated in the play of the game, and enabling the player to pick at least one of the remaining selections in the play of the game.

Claim 31 has been amended to clarify that, if the eliminator selection is picked in a play of the game, at least one of the other selections is picked to be eliminated from further selection in the play of the game, and at least one of the other selections is available to be picked in the play of the game, and wherein the display device displays an indication of the selection picked to be eliminated in the play of the game.

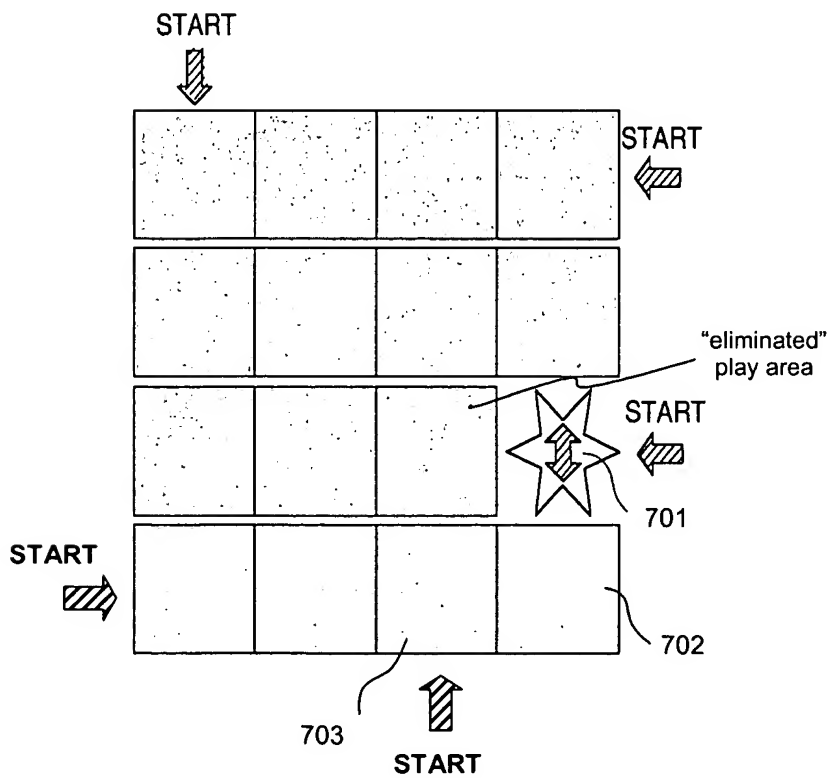
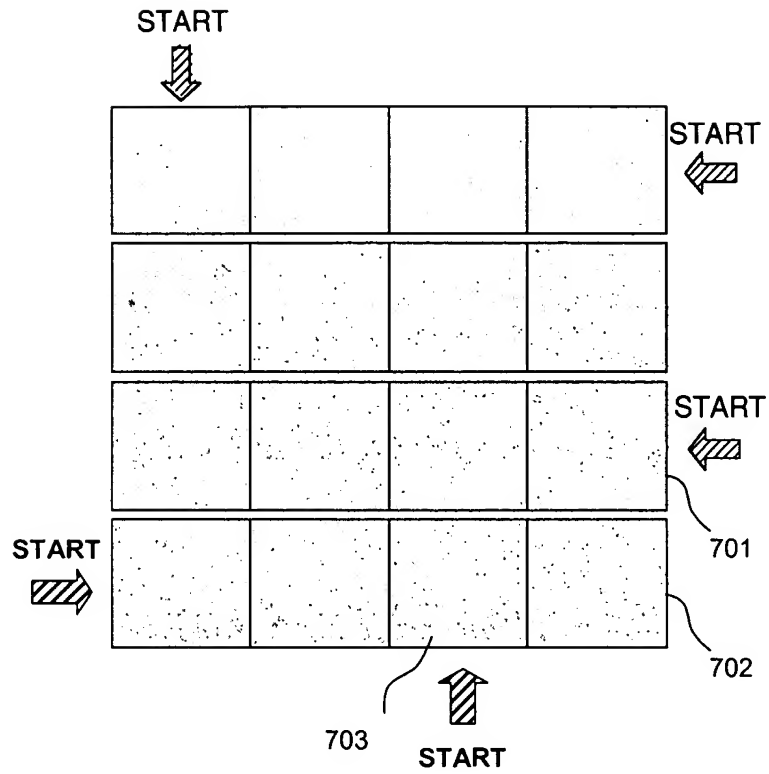
Claim 40 has been amended to clarify that, if an eliminator selection is picked in a play of the game, the method includes picking at least one of the other selections to be eliminated from being picked in the play of the game, displaying an indication of the selection picked to be eliminated in the play of the game, and causing a pick of at least one of the remaining selections in the play of the game.

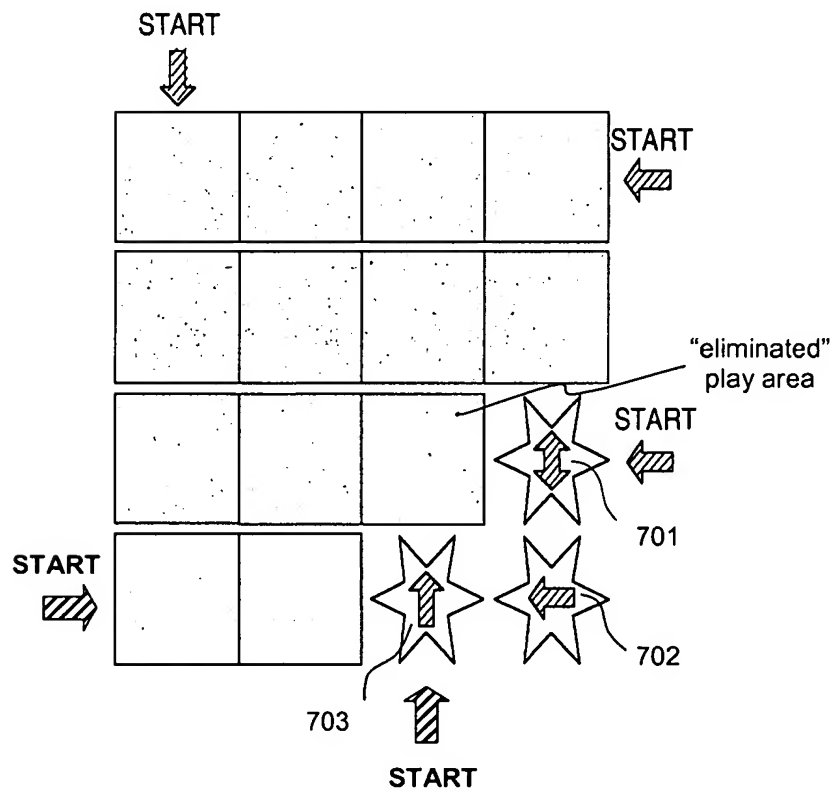
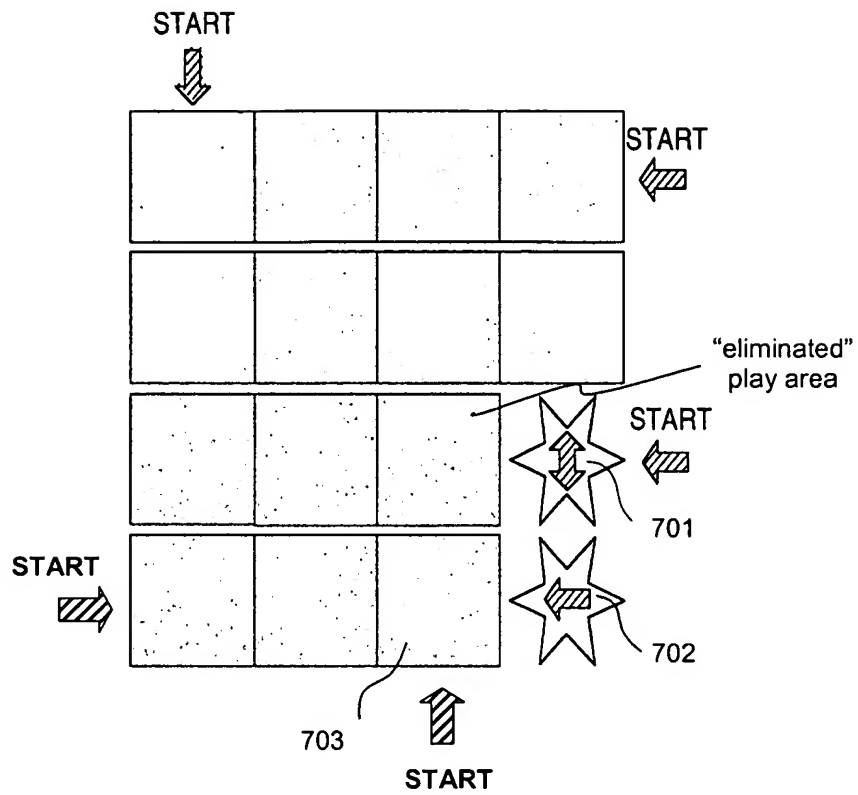
Kamille does not disclose that when an eliminator selection is picked in a play of a game, at least one of other selections is picked to be eliminated in the play of the game, and the remaining selections are available to be picked in the play of the game as in the claimed invention. *Kamille* discloses a selection game with multiple play areas arranged in a grid. Each of the play areas has a win, a void or a directional associated with the play area. At the beginning of the game, each of the wins, voids and directionals are in predetermined and fixed associations with the play areas, and the play areas are covered by a concealer. The player is enabled to rub off the concealer to reveal the win, void or directional associated with the play area. If the player reveals a directional, the directional directs the player to at least one other play area to be uncovered. If the directional directs the player to more than one other play area to uncover, the player has a choice of play areas to uncover. The player continues to play until a predetermined number of voids are uncovered, until the player has collected all the prize money that can be obtained or until the player can no longer stand the risk that their next choice may void the game piece.

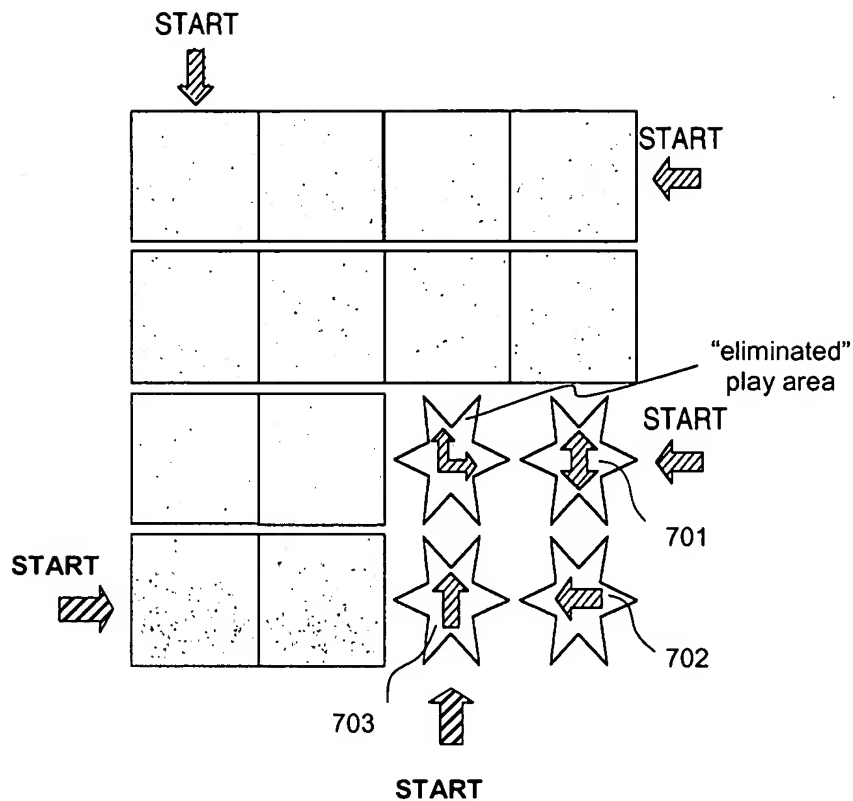
It appears that the Office Action interprets any play area associated with a directional that directs a player away from another play area to be equivalent to an eliminator selection. See Office Action, page 4. Accordingly, the play area from which the player is directed is considered by the Office Action to be "eliminated." Even if the play area from which the player is directed can be interpreted to be eliminated, *Kamille*

does not disclose eliminating at least one of the other selections from being picked in the play of the game as in the claimed invention. In *Kamille*, any play areas “eliminated” from being uncovered by the player are only eliminated for that particular pick of a play area to uncover. The play area is not prevented from being uncovered in the play of the game as in the claimed invention.

For example, Fig. 7A of *Kamille* illustrates all of the play areas uncovered, without the concealer. According to *Kamille*, however, play of the game illustrated in Fig. 7A, begins with all of the play areas covered or concealed as illustrated below. If the player begins by uncovering the play area indicated by the reference number 701, the Office Action considers the play area to the left of play area 701 to be “eliminated” because the directional associated with play area 701 points away from the “eliminated” play area. However, this play area is not eliminated from the play of the game. If the player in *Kamille* proceeds in the play of the game to uncover play area 702 below play area 701, the player would be directed to uncover play area 703. Uncovering play area 703 would, in turn, reveal a directional directing the player to uncover the “eliminated” play area. Thus, the play area interpreted by the Office Action to be “eliminated” is not eliminated from being picked in the play of the game as in the claimed invention. Therefore, *Kamille* does not disclose that when an eliminator selection is picked in a play of a game, at least one of the other selections is picked to be eliminated in the play of the game, and the remaining selections are available to be picked in the play of the game as in the claimed invention.







Kamille also does not disclose that when one of the selections is picked to be eliminated in a play of the game the display device is adapted to display an indication of the eliminated selection as in the claimed invention. In *Kamille*, the play areas are not displayed until the player uncovers the play area by removing the concealer. Even if the play area from which the player is directed can be interpreted to be "eliminated," as illustrated above, the eliminated selection is not displayed. Therefore, *Kamille* does not disclose that when one of the selections is picked to be eliminated in a play of the game the display device is adapted to display an indication of the eliminated selection as in the claimed invention.

Accordingly, Applicants respectfully submit that *Kamille* does not anticipate the claimed invention and that Claims 21, 27, 31 and 40, and the claims which depend therefrom, are in condition for allowance.

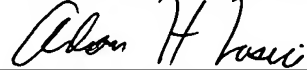
Furthermore, as admitted by the Office Action, *Kamille* does not teach or suggest a display device adapted to display the selections, a base game operable upon a wager, or a triggering event associated with the base game that triggers the bonus game upon the occurrence of the triggering event. The Office Action, relies on *Thomas* to cure the deficiencies of *Kamille*. *Thomas*, however, fails to cure the deficiencies of *Kamille*. Even if the combination of *Thomas* with *Kamille* is proper, for at least the reasons discussed above, *Kamille*, alone, or in combination with *Thomas*, does not teach or suggest when an eliminator selection is picked, at least one of other selections is picked to be eliminated in the play of the game, and the remaining selections are available to be picked in the play of the game as in Claims 1 and 19. *Kamille* alone, or in combination with *Thomas*, does not teach or suggest, when a player picks the eliminator selection, at least one of other selections is picked to be eliminated in the play of the game, and the remaining selections are available to be picked in the play of the game as in Claim 12.

Therefore, *Kamille*, alone, or in combination with *Thomas* does not teach or suggest each and every element of Claims 1, 12 and 19. Accordingly, Applicants respectfully submit that Claims 1, 12 and 19 and the claims which depend therefrom are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Adam H. Masia

Reg. No. 35,602

Customer No. 29159

Dated: November 2, 2005